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[Additional Plaintiffs' and Defendant's Attorneys follow
signature page]

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

JEFFREY POOLE, WINSOME P. CARTER,
JAMES C. HOWELL, JEFFREY KEMP,
ANDREA LOUGHLIN, HENRY V. M.
MULTALA, ANTHONY PALUMBO, MARY
O'REILLY, BURKHARD SPRING, DAVID
BACHRACH, PETER R. GARRISON,
ROBERT TRAITZ, EDWARD FRANCE,
EDWARD C. REINHART, MICHAEL
WENDLING and RICHARD J. TESTA, JR., on
behalf of themselves, the general public, and all
others similarly situated,

Plaintiffs,

vs.

MERRILL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED,

Defendant.

CASE NO. CV 06-1657 HA

**NOTICE OF JOINT UNOPPOSED
MOTION FOR FINAL APPROVAL OF
CLASS AND COLLECTIVE ACTION
SETTLEMENT**

[REQUEST FOR ORAL ARGUMENT]

DATE: November 30, 2009

TIME: 1:30 p.m.

CTRM.: 13

Hon. Ancer L. Haggerty

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that plaintiffs Jeffrey Poole, Winsome P. Carter, James C. Howell, Jeffrey Kemp, Andrea Loughlin, Henry V. M. Multala, Anthony Palumbo, Mary O'Reilly, Burkhard Spring, David Bachrach, Peter R. Garrison, Robert Traitz, Edward France, Edward C. Reinhart, Michael Wendling and Richard J. Testa, Jr. (collectively, "Plaintiffs") and Defendant Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch"), hereby jointly move the Court for final approval of the class and collective action settlement ("Settlement") which was preliminary approved by the Court on November 26, 2008, Docket Item No. 63.

This joint motion is based on this Notice, as well as the Memorandum of Points and Authorities, and the Declaration of Stephen P. DeNittis and Exhibits, filed herewith.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's November 26, 2008 order granting preliminary approval of class and collective action settlement, the Court scheduled a final fairness hearing in this matter for Monday, November 30, 2009 at 1:30pm. Pursuant to Local Rule 7-3(e), any opposition to this motion must be filed and served within eleven (11) days after service of the motion, and any reply must be filed within eleven (11) days after service of the opposition.

Dated: October 29, 2009

Submitted By,

SWANSON THOMAS & COON

By: s/ James S. Coon

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